1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA 8 9 DEANEDRA SADLER, 10 No. 3:22-cv-05421 Plaintiff. 11 COMPLAINT FOR DAMAGES 12 UNDER FEDERAL TORT CLAIMS ACT v. 13 UNITED STATES OF AMERICA; UNITED STATES POSTAL SERVICE. 14 15 Defendants. 16 17 The plaintiff, by and through her attorney of record, Erik Ladenburg, of LADENBURG 18 LAW, alleges and complains as follows: 19 I. INTRODUCTION 20 21 1.1 This is an action against Defendant United States of America under the 22 Federal Tort Claims Act, (28 U.S.C. §2671, et seq.) and 28 U.S.C. §1346(b)(1), arising out of 23 a motor vehicle collision. 24 1.2 Plaintiff bring the claims herein against Defendants pursuant to the Federal 25 Tort Claims Act (28 U.S.C. §2761, et seq.) and 28 U.S.C. §1346(b)(1), for money damages 26 as compensation for personal injuries caused by Defendants' negligence. 27 LADENBURG LAW COMPLAINT FOR DAMAGES – Page 1

705 S. 9th Street. Suite 203 Tacoma, Washington 98405 Phone: 253-272-5226

- 1.3 Plaintiffs have fully complied with the provisions of 28 U.S.C. §2765 of the Federal Tort Claims Act.
- 1.4 This suit has been timely filed; Plaintiffs served notice of their claims on both the United States Postal Service and the United States Department of Justice less than two years after the incident forming the basis of this suit.
- 1.5 Plaintiffs are now filing this Complaint pursuant to 28 U.S.C. §2401(b) and 28 U.S.C. §2675(a); over six months have passed since Plaintiffs presented their tort claim to the appropriate federal agency and the agency has failed to make final disposition of the claim.

II. PARTIES

- 2.1 At all times material to this cause of action, Defendant UNITED STATES OF AMERICA is a sovereign governmental entity.
- At all times material to this cause of action, Defendant UNITED STATES

 POSTAL SERVICE is an independent establishment of the executive branch of government of Defendant UNITED STATES OF AMERICA.
- 2.3 Defendant UNITED STATES OF AMERICA, includes its directors, officers, operators, administrators, employees, agents and staff of the UNITED STATES POSTAL SERVICE.
- 2.4 At all times relevant to this Complaint, the directors, officers, operators, administrators, employees, agents and staff were employed by and/or acting on behalf of defendant, UNITED STATES OF AMERICA. Defendant is responsible for the negligent acts of its employees and agents under *respondeat superior*.

COMPLAINT FOR DAMAGES – Page 2

LADENBURG LAW

705 S. 9th Street. Suite 203 Tacoma, Washington 98405 Phone: 253-272-5226 2.5 Plaintiff Deanedra Sadler was at all times relevant hereto a resident of Gresham,
Oregon.

III. JURISDICTION AND VENUE

- 3.1 This court has jurisdiction over the subject matter and the parties involved herein.
- 3.2 Venue is proper in the Western District of Washington because this action arises from an automobile collision occurring on or about June 13, 2020 in Pierce County, State of Washington, involving an agent and/or employee of Defendant UNITED STATES OF AMERICA and/or the UNITED STATES POSTAL SERVICE.
- 3.3 This Court has jurisdiction because this action arises under The Federal Tort Claims Act, 28 U.S.C. § 1346(b) and §§ 2671-2680.
- 3.4 The amount in controversy in this matter exceeds the minimal jurisdictional amount required for the Court's jurisdiction.
- 3.5 On or about May 7, 2021 Plaintiffs properly presented their claims set forth herein via administrative claim forms to Defendant UNITED STATES POSTAL SERVICE pursuant to 28 U.S.C. § 2675.
- 3.6 The claim was denied as a matter of law because the Defendants have failed to make a final disposition of Plaintiffs' claims within six (6) months after their receipt by Defendants. This action was duly commenced within six (6) months of the denial of Plaintiffs' claims.

LADENBURG LAW

III. FACTS

- 3.1 On or about 6/13/2020, Plaintiff Deanedra Sadler traveling westbound on 6^{th} Avenue in Tacoma, Washington.
- 3.2 Raymond Kaperick, an employee and agent of Defendant United States of America and acting on behalf of the United States of American was traveling south on Martin Luther King Jr Way in Tacoma, Washington when he failed to stop for a red light at the intersection with 6th Avenue.
- 3.3 Mr. Kaperick's vehicle collided with Plaintiff's vehicle as she drove though the intersection on a green light.
- 3.4 Mr. Kaperick's actions were negligent and caused the collision with the Plaintiff's vehicle.
- 3.5 Mr. Kaperick's, as agent of Defendant United State of American, was driving in a negligent, reckless and careless manner and failed to exercise due care and caution to avoid collision or injury to others.
- 3.6 The actions of defendant United States of America, through its employee and agent were a proximate cause of the injuries and damages to Plaintiff.
- 3.7 Mr. Kperick was employed by and/or acting on behalf of defendant, UNITED STATES OF AMERICA at the time of the collision. Defendant is responsible for the negligent acts of its employees and agents under *respondeat superior*.

IV. <u>DAMAGES</u>

4.1 As a direct and proximate result of the collision due to the negligent acts and omissions on part of defendant, plaintiff suffered bodily injury causing special and general damages.

COMPLAINT FOR DAMAGES – Page 4

LADENBURG LAW

705 S. 9th Street. Suite 203 Tacoma, Washington 98405 Phone: 253-272-5226 4.2 As a direct and proximate result of the collision due to the negligent acts and omissions on part of defendant, plaintiff incurred medical expenses and other special expenses in an amount to be proven at the time of trial.

4.3 As a direct and proximate result of the collision due to the negligent acts and omissions on the part of defendant, plaintiff has experienced past pain and suffering, loss of enjoyment of life, emotional distress and is likely to experience future pain and suffering, disability, loss of enjoyment of life and emotional distress all to be proven at time of trial.

WHEREFORE, plaintiff prays for judgment against defendants as follows:

- 1. For past medical expenses and future medical expenses incurred as a result of the collision caused by the negligence of the defendant.
- 2. For past lost wages and future wage loss incurred as a result of the injuries caused by the negligence of defendant.
 - 3. For general damages in an amount to be proven at the time of trial.
 - 4. For other special damages in an amount to be proven at the time of trial.
 - 5. For costs and disbursements herein to be taxed according to law.

DATED June 9, 2022.

LADENBURG LAW

Erik Ladenburg, WSBA No. 29328

Attorney for Plaintiff